

AMENDED IN ASSEMBLY MARCH 17, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 2308

Introduced by Assembly Member Charles Calderon

February 19, 2010

An act to ~~amend Section 83109~~ add and repeal Article 1.5 (commencing with Section 8275) of Chapter 3.5 of Division 1 of Title 2 of the Government Code, relating to the ~~Political Reform Act of 1974~~ California Constitution Revision Commission.

LEGISLATIVE COUNSEL'S DIGEST

AB 2308, as amended, Charles Calderon. ~~Political Reform Act of 1974: Fair Political Practices~~ California Constitution Revision Commission.

Existing law establishes within state government the California Law Revision Commission to examine the common law and statutes of the state and judicial decisions for the purpose of discovering defects and anachronisms in the law and recommending needed reforms to the Governor and the Legislature.

This bill would establish the California Constitution Revision Commission, prescribe its membership, and specify its powers and duties. The bill would require the commission to submit a report to the Governor and the Legislature no later than August 1, 2012, that sets forth its findings with respect to the formulation and enactment of a state budget and recommendations for the improvement of that process. The commission would also be required to report on specified issues relating to the structure of state governance.

The provisions relating to the commission would become inoperative on July 1, 2013, and would be repealed as of January 1, 2014.

The California Constitution authorizes the Legislature to propose revisions to that document.

~~Under existing law, the Political Reform Act of 1974, a nonclerical position of the Fair Political Practices Commission is not to be included in the same civil service classification with any position of any other department or agency.~~

~~This bill would correct an erroneous cross-reference in this provision.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 *SECTION 1. The Legislature finds and declares the following:*

2 *(a) California's budget process has become crippled by a*
3 *complex entanglement of constraints that interfere with an orderly*
4 *and comprehensive consideration of all fiscal matters. A complete*
5 *review of the process by an independent citizens' commission*
6 *would provide the Legislature with a basis for considering changes*
7 *that would result in a more thoughtful and deliberative process.*

8 *(b) The legislative process has at times become mired in*
9 *gridlock. Rivalries between the two houses of the Legislature and*
10 *the executive branch have hindered the state's ability to make*
11 *significant policy changes to respond to the changing times.*
12 *Changes to existing government organizational structures may*
13 *provide a more responsive and productive form of governance*
14 *than the current system.*

15 *(c) California's existing "system" of government is*
16 *dysfunctional, and lacks the collaboration required to achieve the*
17 *public's goals. The various components of the system do not*
18 *possess a common mission and often work at cross-purposes.*

19 *SEC. 2. Article 1.5 (commencing with Section 8275) is added*
20 *to Chapter 3.5 of Division 1 of Title 2 of the Government Code,*
21 *to read:*

22

23 *Article 1.5. California Constitution Revision Commission*

24

25 8275. *There shall be established in state government the*
26 *California Constitution Revision Commission.*

27 8275.1. *(a) The commission shall consist of 23 members, as*
28 *follows:*

1 (1) *Ten members appointed by the Governor. No more than six*
2 *members shall be registered with the same political party.*

3 (2) *Five members appointed by the Speaker of the Assembly.*
4 *No more than three members shall be registered with the same*
5 *political party. Two members shall be appointed in consultation*
6 *with the Assembly Minority Caucus.*

7 (3) *Five members appointed by the Senate Committee on Rules.*
8 *No more than three members may be registered with the same*
9 *political party. Two members shall be appointed in consultation*
10 *with the Senate Minority Caucus.*

11 (4) *The Chief Justice of California, or his or her designee.*

12 (5) *The Legislative Analyst, or his or her designee.*

13 (6) *The Director of Finance, or his or her designee.*

14 (7) *The Governor, the Senate Committee on Rules, and the*
15 *Speaker of the Assembly shall not appoint more than one member*
16 *of the Legislature to the commission. No lobbyist, as defined in*
17 *Section 82039, may serve as a member of the commission. The*
18 *membership of the commission shall broadly reflect the ethnic,*
19 *racial, cultural, geographic, and gender diversity of the state.*

20 (b) *The initial appointments to the commission shall be made*
21 *not later than 90 days after this article becomes effective.*

22 8275.2. *Each member of the commission shall serve without*
23 *compensation. Public members shall receive one hundred dollars*
24 *(\$100) per diem while on official business of the commission. In*
25 *addition, each member shall be entitled to receive his or her*
26 *necessary expenses actually incurred in the performance of his or*
27 *her commission duties.*

28 8275.3. (a) *The Governor shall select one of the members as*
29 *the chair of the commission.*

30 (b) *The commission may appoint an executive secretary and fix*
31 *his or her compensation in accordance with law. The commission*
32 *may employ and fix the compensation of, in accordance with law,*
33 *professional, clerical, or other assistants that may be necessary.*

34 (c) *The Legislative Counsel, Legislative Analyst, State Auditor,*
35 *and the Department of Finance shall assist the commission in the*
36 *performance of its duties.*

37 8275.4. *The commission shall, to assist the Governor and the*
38 *Legislature, do all of the following:*

39 (a) *Examine the process the state government uses to formulate*
40 *and enact a budget, the manner in which the budget serves the*

1 *future needs of the state, the appropriate balance of state resources*
2 *and expenditures, the fiscal relations of the state, federal, and*
3 *local governments, and the constraints and impediments that*
4 *interfere with an orderly and comprehensive consideration of all*
5 *fiscal matters that impact the development of a budget.*

6 *(b) Examine the structure of state governance and propose*
7 *modifications to increase accountability and improve the process*
8 *of formulation, consideration, and approval of policy*
9 *determinations of a budget.*

10 *(c) Examine the current structure of state and local government*
11 *duties, responsibilities, and priorities; the fiscal relations of state*
12 *and local governments; the types of services state and local*
13 *governments provide; the mechanisms of service delivery; the*
14 *desired outcomes for state and local government programs; the*
15 *methods of performance measurement; and the constraints or*
16 *impediments that interfere with the most effective allocation of*
17 *state and local responsibilities.*

18 *(d) Examine the feasibility of integrating community resources*
19 *into service delivery mechanisms that reduce duplication and*
20 *increase efficiency, and the feasibility of establishing community*
21 *coalitions to make recommendations to local entities relating to*
22 *a community's vision and goals.*

23 *8275.5. On or before August 1, 2012, the commission shall*
24 *submit a report to the Governor and the Legislature that sets forth*
25 *its findings with respect to the mandate in Section 8275.4. The*
26 *commission shall submit interim reports before that date when it*
27 *makes a finding and recommendation on an enumerated topic.*

28 *8275.6. The commission shall have the powers necessary to*
29 *carry out its duties, including all of the following:*

30 *(a) To meet at times and places as it may deem proper. The*
31 *commission is a state body subject to the provisions of the*
32 *Bagley-Keene Open Meeting Act (Article 9 (commencing with*
33 *Section 11120) of Chapter 1 of Part 1 of Division 3).*

34 *(b) To issue subpoenas to compel the attendance of witnesses*
35 *and the production of books, records, papers, accounts, reports,*
36 *and documents.*

37 *(c) To administer oaths.*

38 *(d) To contract, as it deems necessary, for the rendition of*
39 *services, facilities, studies, and reports to the commission as will*
40 *best assist it to carry out its duties and responsibilities.*

1 (e) *To cooperate with and to secure the cooperation of county,*
2 *city, city and county, and other local law enforcement agencies in*
3 *investigating any matter within the scope of its duties and*
4 *responsibilities, and to direct the sheriff of any county or any*
5 *marshal to serve subpoenas, orders, and other process.*

6 (f) *To secure directly from every department, agency, or*
7 *instrumentality full cooperation, access to its records, and access*
8 *to any information, suggestions, estimates, data, and statistics that*
9 *it may have available.*

10 (g) *To do any and all things necessary or convenient to enable*
11 *it fully and adequately to perform its duties and to exercise the*
12 *powers expressly granted to it.*

13 8275.7. *This article shall become inoperative on July 1, 2013,*
14 *and, as of January 1, 2014, is repealed, unless a later enacted*
15 *statute, that becomes operative on or before January 1, 2014,*
16 *deletes or extends the dates on which it becomes inoperative and*
17 *is repealed.*

18 ~~SECTION 1. Section 83109 of the Government Code is~~
19 ~~amended to read:~~

20 ~~83109. For purposes of Section 19818.6 of the Government~~
21 ~~Code, a nonclerical position under the Commission shall not be~~
22 ~~included in the same class in the civil service classification plan~~
23 ~~with any position of any other department or agency.~~